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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,643	12/31/2001	Thomas A. Musser	1007-0540 / M7302	5807

7590 06/29/2004
Mark D. Becker
Emerson Appliance Controls
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EXAMINER

STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/036,643	MUSSEY ET AL.	
	Examiner	Art Unit	
	FRANKIE L. STINSON	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 9-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Juliver, Quandt et al. or Richmond et al.

Re claim 1 and 11, note that Juliver, Quandt and Richmond each disclose a water temperature selecting and control module for a washing machine (see Juliver, col. 5, line 41-44) comprising a processor (50 in Juliver; 36 in Quandt; 100 in Richmond) a selector (52 in Juliver, 26 in Quandt; 108 in Richmond) operative to allow a user to select a water temperature setting for the washing machine; selector circuitry/logic (inherent in all, since all send a signal to the processor representing the selected temperature) in communication with said selector and said processor, said selector circuitry/logic operative to provide a signal representing the selected water temperature setting; and said processor is operative to receive said selected water temperature setting signal and produce a control signal in response thereto, said control signal operative to control water flow (by controlling the hot and cold water valve inlets) into the washing machine. Re claims 3, 4, 12 and 13, Quandt and Richmond disclose the washing machine/water level sensor signal (76 in Quandt; 56e-d in Richmond). Re claim 5, Quandt and Richmond disclose the water temp and water level signal. Re claim 6 and 14, Quandt discloses the knobs (28a-e). Re claims 7 and 15, Juliver, Quandt and Richmond disclose the plurality of water temperature settings. Re claim 9, Juliver,

Quandt and Richmond disclose the valve (34, 36 in Juliver' 46, 48 in Quandt; 30, 32 in Richmond). Re claim 10, Richmond discloses the solenoid valve. Re claim 17 Richmond discloses the signal being provided to a solenoid.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Juliver, Quandt et al. or Richmond et al. in view of either Hornung et al. or Sood et al.

Claim 2 defines over the applied prior art only in the recitation of the selector and processor being on the same board. Hornung and Sood are each cited disclosing in a washing machine control system, a selector for temperature setting and a processor being mounted on the same board (see Hornung, col. 5, lines 23-3; Sood col. 6, lines 62-67). It therefore would have been obvious to one having ordinary skill in the art to modify the device of Juliver, Quandt or Richmond to have the selector and processor mounted on the same board as taught by either Hornung or Richmond, for the purpose or providing a more compact arrangement.

5. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juliver, Quandt et al. or Richmond et al. in view of Stayton

Claim 8 and 16 defines over the applied prior art only in the recitation of the potentiometer. Stayton is cited disclosing in a selector for temperature setting in a washing machine, the arrangement of employing a potentiometer (see col.4, line 11). It

therefore would have been obvious to one having ordinary skill in the art to modify the device of Juliver, Quandt or Richmond, to include a potentiometer as taught by Stayton, since Stayton discloses the this may be substituted for key pads, i.e. substitution of equivalents, (MPEP 2144.06).

6. Claims 18-23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juliver, Quandt et al. or Richmond et al. in view of either Hornung et al. or Sood et al.

Re claim 18, Juliver, Quandt, Richmond, Hornung and Sood are cited as applied to the subject matter of claims 1 and 2 above. Re claims 19 and 20, Quandt and Richmond disclose the washing machine/water level sensor signal (76 in Quandt; 56e-d in Richmond). Re claim 21, Quandt and Richmond disclose the water temp and water level signal. Re claim 22, Quandt and Hornung disclose the knob assembly. Re claim 23, Juliver, Quandt, Richmond, and Hornung disclose the plurality of water temperature settings. Re claim 25, Juliver, Quandt and Richmond disclose the valve actuation signal for their respective valves (34, 36 in Juliver; 46, 48 in Quandt; 30, 32 in Richmond). Re claim 26, Richmond discloses the solenoid valve actuation.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 18 above, and further in view of Stayton.

Claim 24 defines over the applied prior art only in the recitation of the potentiometer. Stayton is cited disclosing in a selector of temperature for a washing machine the arrangement of employing a potentiometer (see col.4, line 11). It therefore would have been obvious to one having ordinary skill in the art to modify the device of Juliver,

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Quandt or Richmond to employ a potentiometer as taught by Stayton, since Stayton discloses the this may be substituted for key pads, i.e. substitution of equivalents, (MPEP 2144.06).

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Riechman et al., Niewyl et al., Corbett, Rhodes et al., Kolze, Manson et al., Sacklock et al., Sisson, Bruntz et al., Japan'398, note the control means.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached M-F from 5:30 a.m. to 2:00 p.m. and some Saturdays from 5:30 a.m. to 11:30 a.m.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to TECHNOLOGY CENTER 1700 (571) 272-1700.

Any inquiry for missing parts of this Office Action (copies of references, pages, forms etc.), contact the TEAM LEADER Ms. Nicol Scott (571) 272-1045.

fls



FRANKIE L. STINSON
Primary Examiner
Art Unit 1746